

and on failure on his part to give it, appoint a new guardian. The original Act of 1798, ch. 101, sub-ch. 12, provided that such guardians should give bond on application of any friend of the infant, and, on their default, that the Orphans Court should appoint a new guardian. It is now made obligatory upon them to give bond before their guardianship takes effect. In *Fridge v. the State*, 3 G. & J. 103, an action upon a guardian's bond, it was held that the mere fact, that at the time of the appointment of a guardian by the Orphans Court, a natural guardian was living and known as such to the Orphans Court, did not invalidate an appointment by the Court, for the natural guardian might have refused the trust, or failed to give bond, and the contrary not appearing, the jurisdiction must be taken to have attached, though in the case of a known and qualified acting natural guardian, the Orphans Court would have been without jurisdiction. In *Lefever v. Lefever*, 6 Md. 472, the Court observed that the mother, on the death of the father, has as natural guardian a general right to the control of the persons and property of her infant children, to the exclusion of all other persons; but it is attended with the correlative obligation to give bond under the Act of 1816, ch. 203. Hence, they held there that it was the duty of the mother to have asserted her right in due time and form, that a formal renunciation was not necessary, and that, as she had neglected to qualify (after a citation) for three months, the Court properly assumed that she had rejected the trust. The Code, Art. 472 93, sec. 154,¹⁸ differs from the Act of 1798 above *cited, in making no exceptions of natural guardians. The principle as to testamentary guardians remains the same.

To what property guardianship extends.—By Art. 93, sec. 150¹⁹ of the Code, the guardianship extends to all property of the infant within this State, or which may be obtained by the guardian out of the State by virtue of such guardianship. By sec. 185, all natural and testamentary guardians are to settle accounts of their guardianship, and be under the like rules and regulations prescribed for other guardians.²⁰ "As it is the unquestionable province of a guardian under our laws to take care of the person of his ward, so we think it peculiarly belongs to his office to keep together and preserve his property of every kind and description. Repairs necessary for these ends, within the compass of the income, ought to be attended to, but we apprehend that schemes of improvement under no circumstances ought to be engaged in," *per Cur.* in *Brodess v. Thompson*,

¹⁸ Code 1911, Art. 93, sec. 154.

¹⁹ Code 1911, Art. 93, sec. 150. See note 14 *supra*.

²⁰ The office of guardian lasts until final account and surrender of property to ward. *Griffith v. Parks*, 32 Md. 9.

As to revision of guardians' accounts, see *Morganstern v. Shuster*, 66 Md. 250.

As to transactions between guardian and ward shortly after the latter's majority, see *McConkey v. Cockey*, 69 Md. 286; *Smith v. Davis*, 49 Md. 470. Cf. *Trader v. Lowe*, 45 Md. 1.